

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 454 of 2017

Dhirendrasing Govindsing Bilwal,
Aged about 33 years,
Occ. Service as Assistant Police Inspector,
Mehkar, Dist. Buldhana,
R/o Maa Jodhpur Sweet,
Jay Vishnubharti Colony, near Chetak Ghoda Chowk,
Aurangabad, Dist. Aurangabad.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Home Department, Mantralaya, Mumbai-32.
- 2) The Special Inspector General of Police,
Amravati Region, Amravati.
- 3) The Superintendent of Police,
Buldhana, Dist. Buldhana.

Respondents

Shri V.A. Kothale, Advocate for the applicant.

Shri A.M. Khadatkar, Id. P.O. for the respondents.

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

JUDGEMENT

(Delivered on this 31st day of October,2017)

Heard Shri V.A. Kothale, Id. Counsel for the applicant and
Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The applicant was appointed as Police Sub-Inspector (PSI) at Nashik on 1/9/2009 and he was promoted as Assistant Police Inspector (API) at Mehkar vide order dated 13/1/2016 w.e.f. 9/2/2016. While investigating in economical offence wing, the applicant was falsely implicated in crime no.53/2017 on the complaint of one Rajesh Vasantao Bendse. He was booked under section 7&15 of the Prevention of Corruption Act,1988. He was released on bail on 17/3/2017 but till today no charge sheet has been filed against him.

3. The applicant was kept under suspension vide order dated 17/3/2017 in view of the registration of crime against him and till today he is under suspension. The applicant has stated that the impugned order of suspension issued by respondent no.3, i.e., the Superintendent of Police, Buldhana is beyond jurisdiction of respondent no.3 and stated that the said order be quashed and set aside.

4. The respondent nos. 2&3 have filed reply-affidavit and submitted that the applicant has been granted suspension allowance and that the applicant has misused and had taken disadvantage of his job as Assistant Police Inspector and has lowered the image of Police Force in the public in general and therefore has been rightly kept under suspension.

5. The learned counsel for the applicant admitted that even though the suspension order has been issued by respondent no.3, i.e., the Superintendent of Police, Buldhana, the applicant has not filed any appeal against the order of suspension. It is stated that there is no provision for filing appeal under Maharashtra Police Act.

6. The learned counsel for the applicant has invited my attention to one representation filed by the applicant to the Superintendent of Police, Buldhana on 17/6/2017 in which the applicant has requested the Superintendent of Police, Buldhana to re-consider his case of suspension since no charge sheet was filed against him. It is admitted fact that till today said representation has not been considered by the Superintendent of Police, Buldhana.

7. The learned counsel for the applicant submits that application can be disposed of if directions are issued to the Superintendent of Police, Buldhana to consider the applicant's representation for revocation of suspension dated 17/6/2017 (Annex-A-3,P-15) within a stipulated period. The learned P.O. frankly admits for such direction.

8. The Government, from time to time, had issued number of circulars in the form of guidelines to the competent authorities to re-consider the cases of the officers under suspension periodically. The

respondents can take benefit of such circulars while re-considering the case of the applicant for revocation of suspension.

9. In view of the aforesaid discussion, I pass the following order :-

ORDER

The O.A. is partly allowed. The respondent no.3 is directed to take appropriate decision, as may be deemed fit in the given circumstances, on the representation filed by the applicant dated 17/3/2017 for his revocation of suspension (Annex-A-1,P-10). Such decision shall be taken on its own merits within one month from the date of this order and the same shall be communicated to the applicant in writing. No order as to costs.

(J.D. Kulkarni)
Vice-Chairman (J).

dnk.